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UNCLAS SECTION 01 OF 02 MANILA 004760

SIPDIS

STATE FOR EAP/PD
SIPDIS

E.O. 12958: N/A

TAGS: [PREL](#) [MARR](#) [KCRM](#) [CASC](#) [KPAO](#) [RP](#)

SUBJECT: STATEMENT AND PRESS GUIDANCE ON VERDICT IN SUBIC CASE

REF: MANILA 4718

¶1. Embassy believes that it is likely a verdict in the Subic case will be announced on November 27, 2006. In anticipation of that announcement, Embassy would like the Department, the Department of Defense and III MEF to have the following statement and contingency press guidance, which we would plan to deploy, as appropriate, after a verdict has been announced by a Philippine judge.

¶2. (Begin proposed statement) The U.S. Embassy notes the decision of the Philippines court in the case of the four U.S. service members accused of involvement in the alleged rape of a Filipina citizen on November 1, 2005.

(2nd paragraph - if all acquitted)

With their acquittal on criminal charges, the four U.S. service members will return directly to their military unit. The U.S. Naval Criminal Investigation Service will now complete its own investigation of this case.

(second paragraph - if some convicted, some acquitted)

With their acquittal on criminal charges, [name(s)] will return directly to their military unit. The U.S. Naval Criminal Investigation Service will now complete its own investigation of this case. [Name(s)] will remain in U.S. custody until the completion of all judicial proceedings, as stipulated in the Visiting Forces Agreement.

(second paragraph - if all convicted)

The four individuals will remain in U.S. custody until the completion of all judicial proceedings, as stipulated in the Visiting Forces Agreement.

This has been a difficult and emotional matter for all involved, and for their families and friends. The U.S. Government has adhered throughout to the terms of the Visiting Forces Agreement (VFA), which provides the framework for U.S.-Philippines cooperation on legal cases involving U.S. service members.

¶3. Begin "if asked" questions and answers:

Q: What will happen to the Marines who were not convicted?

-- Those individuals who were acquitted will return directly to their military unit. The U.S. Naval Criminal Investigative Service will now complete its own investigation of this case.

Q: Will the convicted Marine(s) appeal the verdict?

--That is a decision for them to make with advice from their legal counsel.

Q: Where will the convicted Marine(s) serve out their sentence?

--If convictions are upheld, experts from our two governments will

determine appropriate confinement facilities, as provided for in the VFA.

Q: Will the U.S. now give up custody of the convicted Marine(s)?

-- Convicted individuals will remain in U.S. custody until the completion of all judicial proceedings. If convictions are upheld, experts from our two governments will determine appropriate confinement facilities, as provided for in the Visiting Forces Agreement.

Q: If the Philippine government requests an immediate transfer of custody in light of the conviction(s), will the U.S. government agree?

--The U.S. government would take such a request into full account, as stipulated in the Visiting Forces Agreement.

Q: What will happen to the individual(s) acquitted if there is an appeal from the prosecution? Will they remain in U.S. custody?

--In such a hypothetical situation, the USG will be guided by the Visiting Forces Agreement.

Q: Do you think this was a fair and just verdict?

-- This has been a difficult and emotional matter for all involved, and for their families and friends. The Visiting Forces Agreement provides a framework for U.S.-Philippines cooperation on legal cases involving U.S. service members.

Q: Is now the time to address amending the VFA?

--We believe that the Visiting Forces Agreement is an effective and

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mutually beneficial agreement.

(End "if asked" questions and answers)

KENNEY